IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 1625 of 2005**

Between:

M.Subbaratnamma, w/o Venkataswamy,
r/o Cheruvumundarapalli Village, Sadum Mandal,
Chittoor District.

**..... PETITIONER**

AND

1 The Joint Collector, Chittoor.
2 The Revenue Divisional Officer, Madanapalli, Chittoor District.
3 The Mandal Revenue Officer, Sadum Mandal, Chittoor District.

**..... RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of certiorari declaring the impugned proceedings Roc.A3/167/05, dated
12-1-2005 passed by the Revenue Divisional Officer, Madanapalli as illegal, arbitrary unconstitutional and in violation of Art.14, 21 of the Constitution of India and consequently to quash the impugned proceedings passed by the Revenue Divisional Officer, Madanapalli, Chittoor and to pass such other or further orders as this Hon'ble Court may deem fit.

**Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD**

**Counsel for the Respondent Nos.1 to 3: G.P. FOR CIVIL SUPPLIES**

**The Court at the stage of admission made the following:**

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.1625 OF 2005

ORAL ORDER:

Heard both sides.

2. Challenging the proceedings, dated 12-01-2005, of the second respondent, suspending the dealership of the petitioner, pending enquiry, under various charges, the present writ petition has been filed.

3. The petitioner is an authorized fair price shop dealer. From the impugned order, it is obvious that the Revenue Divisional Officer, Madanapalle, before passing the same got an enquiry conducted by the Mandal Revenue Officer and the Mandal Revenue Inspector pursuant to the instructions issued by the Joint Collector, Chittoor.

4. Precisely that was the reason that a learned Judge of this Court on 04-02-2005 observed that the petitioner was handicapped from preferring an appeal because the inspection and the consequential suspension of the authorization of the petitioner was pursuant to the telephonic instructions issued by the Joint Collector, who is no other than the appellate authority. The appeal is a statutory right. In such circumstances, the interim order of suspension of the impugned proceedings was granted.

5. For the same reasons, I deem it appropriate to direct the respondents to conduct an enquiry as contemplated under the impugned proceedings, as expeditiously as possible.

6. With the above direction, the writ petition is disposed of, at the stage of admission. But, in the circumstances, there shall be no order as to costs.

7. However, since the order of interim suspension of the impugned proceedings, dated 12-01-2005, passed by this Court, dated 04-02-2005, is still in subsistence, I deem it further appropriate to continue the same till the final order is passed, after completion of the enquiry.

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D.S.R.VARMA, J

03RD MARCH, 2005

KRK/ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Chittoor.
2 The Revenue Divisional Officer, Madanapalli, Chittoor District.
3 The Mandal Revenue Officer, Sadum Mandal, Chittoor District.

4 Two CCs to G.P. for Civil Supplies, High Court buildings, Hyderabad (OUT).

5. Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.NO.1625 OF 2005

03RD MARCH 2005